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8 **United States District Court**
9 **Central District of California**

10 WILLIAM B. COWEN,
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12 Petitioner,
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14 v.
15 STAR FISHERIES INC,
Respondent.

Case № 2:17-cv-02679-ODW (JEMx)

JUDGMENT

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17 On May 8, 2017, the Court heard oral argument in this matter from Petitioner,
18 Respondent, and amicus curiae Teamsters Local 572, International Brotherhood of
19 Teamsters. On May 11, 2017, the Court granted Petitioner's Petition for a
20 Preliminary Injunction.

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1 It is therefore **ORDERED, ADJUDGED, and DECREED** as follows:

2 1. Respondent, Star Fisheries Inc., its officers, agents, successors, assigns,
3 and all other persons acting in concert with or participation with it are enjoined from:

- 4 (a) Telling employees that they can return to work for Respondent if they
5 resign from the Union;
- 6 (b) Offering employees better wages if they stop their Union activity;
- 7 (c) Offering employees their jobs back if they come to work without the
8 Union;
- 9 (d) Telling employees they cannot return to work because of the damage
10 the employees and the Union have done to Respondent;
- 11 (e) Hiring permanent replacements with the unlawful purpose of denying
12 reinstatement to striking employees;
- 13 (f) Failing to establish a preferential hiring list for the hiring of the
14 employees that went on strike;
- 15 (g) Withdrawing from the Union Pension Fund and Health and Welfare
16 Fund without notice to or bargaining with the Union;
- 17 (h) Refusing to reinstate the striking employees to their former positions
18 of employment upon their unconditional offers to return to work; and
- 19 (i) In any like or related manner, interfering with, restraining or coercing
20 employees in the exercise of the rights guaranteed under Section 7 of
21 the Act (29 U.S.C. Sec. 157).

22 2. Respondent, its officers, agents, successors, assigns, and all other persons
23 acting in concert or participation with it are affirmatively ordered pending final
24 Board adjudication to:

- 25 (a) Within 5 days of the issuance of the Order granting the petition, offer
26 all employees who have made unconditional offers to return to work
27 interim reinstatement to their former jobs, or, if those jobs no longer
28 exist, to substantially equivalent positions, without prejudice to their

1 seniority or any other rights or privileges previously enjoyed,
2 displacing if necessary any workers hired, transferred, or reassigned
3 after the strike began on December 18, 2015.

4 (b) Within 5 days of the issuance of the Order granting the petition, after
5 the striking employees have been returned to work, rescind any
6 changes to the Union's Pension fund and Health and Welfare plans,
7 and resume making all contributions for those employees.

8 (c) Within 5 days of the issuance of Order granting the petition, post
9 copies of the Order in conspicuous places in and throughout its
10 facility at the Wilmington, California, location, in English and in
11 Spanish, and any other Respondent facility where unit employees are
12 employed, including all places where notices to employees are
13 customarily posted, those postings to be maintained during the
14 pendency of the Board's administrative proceedings free from all
15 obstructions and defacements; all employees shall have free and
16 unrestricted access to the Order. Translation of the Order into Spanish
17 shall be at Respondent's expense, with the translation to be approved
18 by the Regional Director.

19 (d) Within 10 days of the issuance of the Order granting the petition,
20 convene all employees during working time at a mandatory meeting
21 during each shift at its Wilmington, California, location and have a
22 responsible management official of Respondent read the Order to
23 employees in English and Spanish, with a Board agent and
24 representative of the Union present at any assembly called for the
25 purpose of reading the Order; or at Respondent's option, have a Board
26 agent read the notice to employees in the presence of a responsible
27 Respondent official and a representative of the Union.

28 (e) Grant to agents of the Board reasonable access to Respondent's

1 Wilmington, California, facility in order to monitor compliance with
2 the posting requirement; and

3 (f) Within 21 days of the issuance of the Order granting the petition, file
4 with the Court, with a copy to the Regional Director of Region 21 of
5 the Board, a sworn affidavit from a responsible official of Respondent
6 setting forth with specificity the manner in which Respondent has
7 complied with the terms of this Order, including how and when it
8 posted the documents required by the Order.

9 3. This case shall remain open on the docket of this Court. On compliance
10 by Respondent with its obligations undertaken hereto, and upon final
11 dispositions of the matters pending before the Board, the Petitioner shall cause
12 this proceeding to be dismissed.

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14 **IT IS SO ORDERED.**

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16 May 12, 2017

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19 **OTIS D. WRIGHT, II**
20 **UNITED STATES DISTRICT JUDGE**
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